



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>



Gray Davis
Governor

Jeff Pratt, Director
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009

CONDITIONAL CERTIFICATION FOR PROPOSED SOUTH BRANCH ARROYO CONEJO DEBRIS BASIN MODIFICATION PROJECT (Corps' Project No. 2003-00191-MV), ARROYO CONEJO, CITY OF THOUSAND OAKS, VENTURA COUNTY (File No. 03-094)

Dear Mr. Pratt:

Regional Board staff has reviewed your request on behalf of the Ventura County Watershed Protection District (District) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 29, 2003.

I hereby certify that any discharge from the South Branch Arroyo Conejo Debris Basin Modification Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

_____[Original signed by]_____
Dennis A. Dickerson
Executive Officer

_____[August 1, 2003]_____
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

Darleen Alves
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009

Vicki Clark, Staff Attorney
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Jessie Altstatt
Santa Barbara Channel Keeper
120 West Mission Street
Santa Barbara, CA 93101

Natasha Lohmus
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Peter Brand
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Matthew Vandersande
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Aaron Setran (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Tim Vendlinski
Supervisor, Wetlands Regulatory Office (WTR-8)
US EPA, Region 9
75 Hawthorne
San Francisco, CA 94105

Diane Noda
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

ATTACHMENT A

Project Information File No. 03-094

1. Applicant: Jeff Pratt, Director
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009

Phone: (805) 654-2040 Fax: (805) 654-3350
2. Applicant's Agent: Darleen Alves
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009

Phone: (805) 477-7175 Fax: (805) 654-3350
3. Project Name: Branch Arroyo Conejo Debris Basin Modification
4. Project Location: Thousand Oaks, Ventura County

Longitude: 118° 57' 22"; Latitude: 34° 09' 56"
5. Type of Project: Flood Control
6. Project Description: *Purpose:*
The purpose of this project is to convert the existing Arroyo Conejo debris basin to a detention basin and also the removal of existing debris in order to increase the level of downstream flood protection. The modified detention basin would retain 100-year flood flows and is needed to account for the increase in development within the watershed since the original basin was constructed.

Description:
The project will consist of the following activities:
 - Modify inlet wier – Remove bulkhead wall and reconfigure western wall by raising the height of the center side-wier window;

ATTACHMENT A

Project Information File No. 03-094

- Removal of sediment and associated vegetation that has accumulated at the southern end of the basin;
- Intake structure modification – Vegetation clogging the bleeder pipe of the intake structure will be removed and the existing screen on the pipe entrance will be removed;
- Outlet spillway modification – The existing grouted rip-rap spillway will be raised and a portion of the adjacent south-facing basin slope will be reinforced with concrete rip-rap;
- Bank stabilization – Approximately 100 linear feet of the east bank of the South Branch Arroyo Conejo immediately downstream of the project will undergo filling to 1998 contours and stabilization; and
- Construction of access road and floodwalls in non-jurisdictional areas.

Construction is proposed to take place starting September 2003 and is anticipated to be completed by December 31, 2003.

- | | |
|---|--|
| 7. Federal
Agency/Permit: | U.S. Army Corps of Engineers
NWP Nos. 3 & 33 (Permit No. 2003-00191-MV) |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California
Environmental Quality
Act (CEQA)
Compliance: | The County of Ventura Watershed Protection District approved the project's Negative Declaration (SCH # 2003051019) on July 29, 2003. |
| 10. Receiving Water: | Arroyo Conejo, (Hydrologic Unit No. 403.68) |

ATTACHMENT A

Project Information File No. 03-094

11. Designated Beneficial Uses: MUN, GWR, FRSH, REC-1, REC-2, WARM, WILD
12. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.13 temporary acres
Non-wetland waters (unvegetated streambed): 0.05 temporary acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: Private projects completed in the past five years in South Branch Arroyo Conejo that may be maintained by the District include the following:
- South Branch Detention Basin and Water Quality Basin;
 - Conejo Mountains Creek Basins 1-5, Channelization and culverting;
 - Cohan Development between Maurice Drive and Kimber Drive;
 - Shea Homes Development on Conejo Mountain Creek; and
 - Channel improvements at Highway 101 and Borchard Road.
- The District is planning the following project within the next five years:
- South Branch channel widening at Wendy Drive.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- General wildlife and nesting bird surveys shall be conducted within the three weeks season immediately prior to the start of construction;
 - Construction activities shall occur outside the spring breeding season to the maximum extent feasible;

ATTACHMENT A

Project Information File No. 03-094

- If construction activities are not feasible outside of this season, nesting bird surveys will be conducted prior to commencement of activities and bi-weekly thereafter until construction is complete;
- All sensitive areas will be clearly be marked in order to be avoided during construction;
- Heavy equipment will be prohibited from entering the basin pool;
- Containment of disturbed water shall be accomplished by retaining an earthen ridge which will act as a dike between existing open water of the basin and the new pool being created through excavation;
- Project design and construction shall avoid or minimize impacts to native oak trees; and
- The existing fencing of the property, excluding the northern floodwall, shall remain in place during and after construction.

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed to create and/or restore approximately 0.33 acres of waters of the United States. The creation and/or restoration of 0.33 acres corresponds to a mitigation ratio of 1.8:1. The impacts associated with the project (0.18 acres) are temporary in nature and would result in no net loss of jurisdictional area following post-construction restoration.

The restoration efforts shall take place in several portions of the South Branch Arroyo Conejo stream channel. A Riparian Habitat Restoration Plan shall be prepared and approved by the California Department of Fish and Game prior to the start of construction. Following project completion, the plan shall be implemented with a goal of restoring or creating riparian habitat in several suitable areas of the project site where riparian habitat is degraded or does not exist.

ATTACHMENT B

Conditions of Certification File No. 03-094

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

ATTACHMENT B

Conditions of Certification File No. 03-094

4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore the proposed **0.18 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.

ATTACHMENT B

Conditions of Certification File No. 03-094

8. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.18 acres** waters of the United States by creating or restoring riparian habitat at a minimum 1.8:1 area replacement ratio (0.33 acres). The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States.
9. Prior to any subsequent maintenance activities within the subject basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the basin's existing condition and/or capacity; (c) the area of proposed temporary impact within waters of the state; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
10. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board when finalized.
11. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after planting.
12. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **03-094**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
13. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
14. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

ATTACHMENT B

Conditions of Certification File No. 03-094

15. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
16. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification 180 days prior to its termination, if the project as described has not been completed. Renewals may be subject to additional filing fees and will require Regional Board approval.